

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

PAUL E. LAUDERMILT,
Plaintiff,

v.

CIVIL ACTION NO: 1:11-0288

TAGGART GLOBAL, LLC,
Defendant.

MEMORANDUM OPINION AND ORDER

In a Memorandum Opinion and Order entered on September 12, 2012, this court granted Defendant Taggart Global, LLC ("Taggart") ten days from that time to satisfy its burden of preserving removal from state court to federal court. Doc. No. 48, p. 4. Specifically, the court directed Taggart to

clearly establish (1) whether it is a corporation or limited liability company under Pennsylvania law, (2) if Taggart is a limited liability company, the citizenship of each of its members, and (3) any other facts that would help this court determine whether federal subject matter jurisdiction exists in this case.

Id. The court clearly indicated that failing to respond within the ten days allotted would result in this case being remanded to state court for Taggart's failure to satisfy its burden of proving that removal was proper in the first instance. Id. Now, well over the ten day deadline, the court so proceeds.

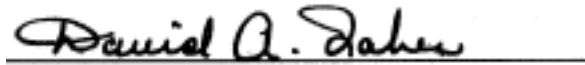
Accordingly, the court now **REMANDS** this case to the Circuit Court of McDowell County, West Virginia, for the reasons stated

in the court's September 12, 2012 Memorandum Opinion and Order.
See Doc. No. 48.

The Clerk is directed to send copies of this Memorandum Opinion and Order to counsel of record and the clerk of court for the Circuit Court of McDowell County.

IT IS SO ORDERED on this 3rd day of October, 2012.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge